

## DISCLAIMER

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## APPLICATION OF

### APPALACHIAN POWER COMPANY

CASE NO. PUE970766

**For certificates of public convenience and necessity authorizing transmission lines in the Counties of Bland, Botetourt, Craig, Giles, Montgomery, Roanoke and Tazewell: Wyoming-Cloverdale 765 kV Transmission Line and Cloverdale 500 kV Bus Extension**

## HEARING EXAMINER'S RULING

**May 7, 1998**

On April 14, 1998, the Board of Supervisors of Giles County, Citizens Organized for the Preservation of the Environment in Giles County, Citizens for the Preservation of Craig County, and the Roanoke Preservation League (collectively, "Protestants"), by counsel, filed a Motion to Simplify Proceeding (the "Motion"). In their Motion, Protestants request that no further consideration be given to certain alternative corridors included in the application of Appalachian Power Company ("Appalachian" or the "Company"). Specifically, the corridors affected would be AC 3, AC 4 and the portion of AC 2 that would not be needed if AC 5 is approved. Protestants cite actions by the West Virginia Public Service Commission ("PSC") to the effect that only the preferred corridor in West Virginia will be considered. By ruling of April 16, 1998, Staff and the parties were given the opportunity to respond to the Motion.

Responses were filed by the Board of Supervisors of Bland County, the Board of Supervisors of Tazewell County, Alliance for the Preservation and Protection of Appalachian Land, Inc., Citizens United to Protect Tazewell County, Inc., the Board of Supervisors of Montgomery County, the Greater Newport Rural Historic District Committee, the Giles County Board of Supervisors, COPE, CPCC, RCPL, Friends of Regional Culture and Environment, the Town of Bluefield, the Company, and the Commission's Staff (collectively, "Respondents"). With the exception of the Greater Newport Rural Historic District Committee, the Respondents were opposed to the Motion.

I find the motion should be ***DENIED***. The PSC order states that "it will not consider the Alternative Corridors for certification purposes in this proceeding."<sup>1</sup> (PSC Order at 3).

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<sup>1</sup>The PSC order is attached as Appendix A to this Ruling.

This does not preclude future consideration of the alternate corridors if further proceedings are deemed necessary. Moreover, this Commission must be able to evaluate all feasible options and should not be precluded from doing so by actions of another commission. Section 56-46.1 of the Code of Virginia requires the Commission to fully consider all corridors that have been applied for and noticed by the applicant. Section 56-46.1 further requires that this Commission evaluate the environmental impact of the Company's application. Only by reviewing all alternatives can this mandate be satisfied. Accordingly, **IT IS DIRECTED** that Protestants' Motion is denied, and that all routes contained in the Company's application will be considered.

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Howard P. Anderson, Jr.  
Hearing Examiner